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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 SCOTT W. CAMPBELL, SR.,

8 Plaintiff,

No. C 06-5222 PJH (PR)

9 v.

**ORDER GRANTING
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

10 M. S. EVANS and G. PONDER,

11 Defendants.
12 _____/

13 This is a pro se section 1983 civil rights action filed by a former state prisoner.
14 Defendants have moved for summary judgment. Despite being granted an extension
15 of time, plaintiff has not opposed the motion.

16 A district court may not grant a motion for summary judgment solely because
17 the opposing party has failed to file an opposition. *Cristobal v. Siegel*, 26 F.3d 1488,
18 1494-95 & n.4 (9th Cir. 1994) (unopposed motion may be granted only after court
19 determines that there are no material issues of fact). The court may, however, grant
20 an unopposed motion for summary judgment if the movant's papers are themselves
21 sufficient to support the motion and do not on their face reveal a genuine issue of
22 material fact. See *United States v. Real Property at Incline Village*, 47 F.3d 1511,
23 1520 (9th Cir. 1995) (local rule cannot mandate automatic entry of judgment for
24 moving party without consideration of whether motion and supporting papers satisfy
25 Fed. R. Civ. P. 56), *rev'd on other grounds sub nom. Degen v. United States*, 517
26 U.S. 820 (1996); *Henry v. Gill Industries, Inc.*, 983 F.2d 943, 950 (9th Cir. 1993)
27 (same).

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The papers in support of the motion for summary judgment show that defendants believed that confinement to his cell and other actions about which plaintiff complains were necessary for the security of the institution. The movants' papers therefore are sufficient to support the motion and do not on their face reveal a genuine issue of material fact. *See Farmer v. Brennan*, 511 U.S. 825, 834 (1994) (no Eighth Amendment liability for prison conditions unless the prison official possessed a sufficiently culpable state of mind). The motion for summary judgment will be granted.

CONCLUSION

The motion for summary judgment (document number 8 on the docket) is **GRANTED**. The clerk shall close the file.

IT IS SO ORDERED.

DATED: March 11, 2008.

[Signature]

PHYLLIS J. HAMILTON
United States District Judge